

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CESAR CAYCHO,

Plaintiff,

vs.

GREAT AMERICAN INSURANCE
COMPANY,

Defendant.

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CIVIL ACTION NO. 16-cv-2246

**DEFENDANT GREAT AMERICAN INSURANCE COMPANY'S NOTICE OF
REMOVAL**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now Defendant, **GREAT AMERICAN INSURANCE COMPANY** (“**American**”), and file this, its Notice of Removal, and would show the court the following:

I.
INTRODUCTION

1. Plaintiff is CESAR CAYCHO, Defendant is **GREAT AMERICAN INSURANCE COMPANY**.

2. On June 27, 2016, Plaintiff sued Defendant in the 215^h Judicial District Court of Harris County, Texas, in Cause No. 201643177 styled *Cesar Caycho vs. Great American Insurance Company*, in the 215th Judicial District Court of Harris County, Texas, which case is still pending in said court.

3. Defendant **GREAT AMERICAN INSURANCE COMPANY** was served with such suit by on July 6, 2016. Defendant **GREAT AMERICAN INSURANCE COMPANY** files this Notice of Removal within the 30-day time period required by 28 U.S.C. §1446(b).

II.
BASIS FOR REMOVAL

4. Removal is proper because there is complete diversity between the parties. *See* 28 U.S.C. §1332(a). Plaintiff, CESAR CAYCHO is an individual residing in Harris County, Texas. Defendant GREAT AMERICAN INSURANCE COMPANY is a foreign corporation organized and existing under the laws of the state of Ohio with its principal place of business in Cincinnati, Ohio, and is a wholly owned subsidiary of American Financial Group which is a publicly traded company on the New York Stock Exchange

5. The amount in controversy exceeds \$75,000 exclusive of interest and costs, as Plaintiff sued for indemnity of the underlying action. According to Plaintiff's Original Petition, Cesar Caycho while employed as a truck driver for United Vision Logistics, was injured. Plaintiff subsequently received treatment and underwent surgeries for those sustained injuries. Plaintiff's claim was accepted by Defendant. According to the petition, Plaintiff alleged Defendant stopped paying Plaintiff before the required length set out in the policy. Plaintiff seeks monetary relief, the maximum of which is over \$100,000.00 but not more than \$200,000.00.

6. Venue is proper in this district under 28 U.S.C. §1441(a) because the cause of action occurred in whole or in part in this district.

7. Defendant will promptly file a copy of this notice of removal with the clerk of the state court where the action has been pending.

8. All pleadings, process, orders, and other filings in the state court action will be attached to this notice as required by 28 U.S.C. §1446(a) as follows:

- (a) Plaintiff's Original Petition;
- (b) Filing letter from Kevin R. Michaels;
- (c) Civil Case Information Sheet;

- (d) Civil Process Request;
- (e) Civil Process Pick-Up Form;
- (f) Return of Service for Great American Insurance Company;
- (g) Defendant Great American Insurance Company's Original Answer; and
- (h) Harris County Docket Sheet of Case 2016-43177 in the 215th District Court of Harris County, Texas.

If any further pleadings have been filed with the court, we will supplement this removal.

III.
PRAYER

WHEREFORE, Defendant **GREAT AMERICAN INSURANCE COMPANY** asks the Court to remove the action referred to as Cause No. 201643177 styled *Cesar Caycho vs. Great American Insurance Company*, in the 215th Judicial District Court of Harris County, Texas, to this federal court.

Respectfully submitted,

By: s/ R. Brent Cooper

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**ATTORNEYS FOR DEFENDANT
GREAT AMERICAN INSURANCE
COMPANY**

CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing document was served on counsel for all parties listed below pursuant to the Federal Rules of Civil Procedure on the 28th day of July 2016.

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ATTORNEYS FOR PLAINTIFF

s/ R. Brent Cooper

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